



Appeal Decision

Site visit made on 12 May 2025

by **Jonathan Price BA(Hons) DipTP DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 May 2025

Appeal Ref: APP/F3545/W/25/3360644

12 Warren Road, Red Lodge, Bury St. Edmunds, Suffolk IP28 8JU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Ebbs against the decision of West Suffolk Council.
 - The application Ref is DC/24/1306/FUL.
 - The development proposed is one self-build dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for one self-build dwelling at 12 Warren Road, Red Lodge, Bury St. Edmunds, Suffolk IP28 8JU in accordance with the terms of the application, Ref DC/24/1306/FUL, subject to the conditions set out in the Schedule attached to this decision.

Main Issues

2. Whether the proposal is sufficiently well designed, including in respect of layout, functionality and living conditions at the host property, 12 Warren Road.

Reasons

3. A single storey dwelling is proposed in the back garden of No 12. The host property is within a sequence of detached bungalows occupying similarly sized plots along Warren Road. It has a longer back garden than the others. All back onto higher density housing to the west.
4. The dwelling proposed would be provided separate access from an existing entrance onto Warren Road, leaving the host bungalow adequately served by that to the other side of its frontage. By demolishing outbuildings at the side of the existing bungalow, an extended access would reach the back garden plot proposed, where parking and turning space would be provided. The new dwelling would have an adequately sized plot, with the host bungalow retaining sufficient back garden space of its own.
5. The proposed dwelling would be situated between single storey housing occupying equivalent back land locations to either side. Although the new dwelling would be sited forward of the building line established by the bungalows to either side, thus preserving fruit trees at the end of the plot, it would still reflect the general pattern and density of housing in this area. The refusal refers to the dwelling being poorly positioned by being at variance with this established building line. The Council refers to this interrupting the pattern and rhythm of development. However, the site is not readily visible from the wider public realm and, surrounded by existing

housing, no discernible harm would arise from the siting proposed. Because the scheme appears to relate to the only remaining undeveloped back garden section of this kind in the vicinity, it would neither be at harmful variance with its surroundings nor establish any kind of undesirable precedent.

6. The harm identified by the Council relates principally to the relatively long and narrow access to the site. This might be functionally less satisfactory than were the proposal to be able to use a more convenient shared access as part of a larger scheme. However, dealing with what is proposed, the rather long access would nonetheless be useable and offer adequate turning and parking space. Relative to the limited vehicular movements generated by a single dwelling, the amount of harm in respect of poor functionality would be quite limited. Such harm relates mainly to the necessity to provide the dwelling a rather distant waste bin storage bay and a similarly lengthy drag distance from this to a roadside collection point. Whilst less than ideal, this satisfies the Council's collection requirements and the level of harm from these arrangements is not great.
7. There would be a tangible degree of harm to the present living conditions at No 12 from close vehicular movements along a drive immediately to the side of the existing bungalow. Clearly, as party to the proposal, the current occupiers are content to tolerate such disturbance, which could be mitigated both by landscaping and quiet surface treatments. Any prospective future occupiers would be aware of the arrangements in place and have the benefit of choice. Whilst the proposal would detract from the living conditions provided at No 12, these would remain at a generally acceptable level.
8. Considered in isolation from the surrounding development, the tandem nature of such a back garden housing layout, with its less than ideal access arrangements, would conflict with the good quality of residential design sought through policies DM2 and DM22 of the 2015 Joint Development Management Policies Document. However, looking at the wider area, this proposal would reflect the prevailing pattern of the surrounding housing development. For the reasons explained, the level of harm arising from such conflict with development plan policy would be relatively low.

Self-build status

9. The proposal is for a self-build dwelling, based on the appellant demonstrating that the initial occupants of the home will be those who had primary input into its design and layout. As a consequence, the Council has deemed it exempt from Biodiversity Net Gain requirements, and securing self-build status via a planning obligation or condition was not required. The appellant has further confirmed that the proposed dwelling is to be constructed by and be for the appellants' two sons, at least one of whom would inhabit the dwelling. My decision is therefore based on the understanding that initial occupation would be by those parties referred to in section 9 of the self-build proforma¹ submitted as part of the appeal documentation.

Planning balance, conditions and conclusion

10. Policies DM2 and DM22 remain consistent with the National Planning Policy Framework (the Framework) and its paragraph 135 requirements to ensure

¹ Proforma for schemes that are self-custom build

developments will function well as a part of achieving well-designed places. These policies themselves are therefore not considered out of date and are given full weight in this decision. However, prior to the forthcoming adoption of the emerging West Suffolk Local Plan, the Council acknowledges it can demonstrate only a 3.6-year housing land supply. This situation engages the Framework's presumption in favour of sustainable development, by virtue of footnote 8 to paragraph 11.

11. Whilst only a single dwelling, this proposal provides recognisable social and economic benefits, both in respect of boosting housing supply and supporting local services. The limited adverse impacts of the proposal would not significantly and demonstrably outweigh these small benefits. This is as assessed against the Framework policies taken as a whole, having particular regard to those key to directing development to sustainable locations, making effective use of land and securing well-designed places. The Framework's presumption in favour of sustainable development would therefore indicate this proposal be determined otherwise than in accordance with the development plan.
12. The conditions suggested by the Council have been considered in light of paragraph 57 of the Framework and the related advice in the Planning Practice Guidance (PPG). This makes clear that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Furthermore, conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.
13. The standard conditions setting a three-year expiry date for an unimplemented permission and confirming the approved drawings are both necessary. The Council has recommended the standard access visibility splay conditions sought by the local highway authority. However, these might require works on land that is not controlled by the appellant or that requires the consent or authorisation of another person or body, which the PPG advises often fails the tests of reasonableness and enforceability. The proposal is for the new dwelling to be served by an existing entrance to No 12, where the adjacent public footway already offers reasonable visibility onto the highway. However, there are further issues that need to be addressed, including the quiet surfacing and drainage of the access and the provision of bin storage and collection bays and parking and turning space. A single condition governing the detailed construction, drainage and surfacing of the access covers all these matters and allows the Council to secure as safe and quiet an access as can reasonably be provided in this situation.
14. A pre-commencement condition governing cycle storage is not deemed necessary for this bespoke proposal. Should future occupiers own cycles, then they will be able to make their own arrangements for storage. Electric vehicle charging provisions for new residential buildings is a matter addressed by the Building Regulations, so it is not clear how the pre-commencement planning condition suggested by the Council meets the required tests.
15. The pre-commencement condition requiring adherence to an approved Construction Management Plan would not be necessary for such a small-scale development. However, the site is closely surrounded by other housing and, to address neighbouring living conditions, a condition is necessary to control the hours of construction.

16. The proposal is within a high-density built-up area, with streetlamps and lighting from surrounding homes. There is nothing to suggest the bungalow would need unneighbourly illumination and so a condition governing external lighting is not considered necessary, given conditions should be kept to a minimum. On the same basis, a condition addressing unexpected land contamination is not adequately justified. Conditions requiring both landscaping and biodiversity enhancement have some policy support and meet the relevant tests.
17. Subject to the conditions discussed, I conclude that the appeal should succeed.

Jonathan Price

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following drawing nos: TSKH-DR-A3-0005; TSKH-DR-A3-0001; TSKH-DR-A3-0002; TSKH-DR-A3-0003 X.
- 3) Prior to the occupation of the dwelling hereby permitted, the access, parking and turning spaces and bin storage and collection sites shown in drawing number TSKH-DR-A3-0003 X shall have been provided in accordance with detailed specifications of construction, drainage, surfacing and highway junction design that shall have had the prior written approval of the local planning authority and these shall thereafter be maintained as approved.
- 4) Construction works shall take place only between the hours of 8am to 6pm Mondays to Fridays, 8am to 1pm Saturdays and at no times during Sundays or Bank / Public Holidays.
- 5) No development shall commence above slab level until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include details of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) Prior to occupation of the dwelling hereby permitted, a scheme for installing and managing biodiversity enhancements shall be submitted to and approved in writing by the local planning authority. The scheme shall thereafter be implemented and managed as approved.
